



UNITED STATES PATENT AND TRADEMARK OFFICE

clv
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,738	11/04/2003	Goran Rydenfors	003301-094	6405

21839 7590 05/20/2005

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

DESAI, ANAND U

ART UNIT	PAPER NUMBER
----------	--------------

1653

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/699,738	Applicant(s) RYDENFORS, GORAN	
	Examiner Anand U. Desai, Ph.D.	Art Unit 1653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Amendment filed on February 23, 2005. Claims 1-16 are currently pending and are under examination.

Withdrawal of Rejections

2. The rejection of claims 1-16 under 35 U.S.C. 112, 2nd paragraph is withdrawn based on Applicants' amendment to the claims.

3. The rejection of claims 1, 2, 4, 5, 10, and 13 under 35 U.S.C. 102(b) as being anticipated by Sanchez, J. et al. (EP1018301 A1) is withdrawn.

4. The rejection of claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over Sanchez, J. et al. (EP1018301 A1) in view of Chandler et al. (U.S. Patent 4,463,026) and Hauksson (U.S. Patent 6,685,978) is withdrawn.

Maintenance of Rejections

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez, J. et al. EP1018301 A1 (Publication date=July 12, 2000) in view of Rahman et al. U.S. Patent 4,038,438.

Sanchez, J. et al. teach a process for manufacturing a ready-to-stuff non-edible collagen casing. The process comprises soaking the non-edible collagen casing in an aqueous salt

Art Unit: 1653

solution, which concentration is between 5% and 25% during a period of time between 2 seconds and 60 seconds (see page 9, claim 7). The casing is subsequently vacuum packed (see page 10, claim 14). Sanchez, J. et al. also teaches the non-edible collagen casing (see page 9, claim 1). Sanchez, J. et al. does not specifically disclose the use of an aqueous solution that contains the particular salts as required in the claimed process.

Rahman et al. discloses the manufacturing of collagen casings. In the manufacture of collagen casings, a collagen source, typically animal hide collagen, is converted into a finely divided fibrillar form, swelled in water at a pH between 2.5 and 3.7 and extruded in the form of a dilute (2-6% by weight) collagen slurry through a die to form a tubular casing. The extruded collagen is passed into a coagulation bath, which dehydrates the collagen slurry into a gel-like collagen casing. The coagulating bath typically contains a salt such as sodium sulfate or ammonium sulfate in large concentration (e.g. 40% by weight) and a small amount of alkali, e.g., sodium hydroxide or ammonia, for neutralizing excess acid, which may be present in the collagen casing. The collagen casing, then, is hardened or tanned to form a more coherent structure and permit further processing of the casing, i.e., to provide sufficient strength so that it can be threaded and inflated during drying. Often, a two-step tanning process is employed, with the first tanning step being effected by an aluminum tanning agent, e.g., an aluminum citrate complex, and the second tanning step being effected by reaction with a dialdehyde, e.g., glutaraldehyde. After removal from the tanning bath, the casing is passed through a bath containing a plasticizing agent. The casing removed from the plasticizing bath is in a gel state and contains a substantial amount of water, e.g., 90 to 91% by weight. In order that the casing be used as a sausage casing the plasticized casing is inflated with air at about 0.05 psi and dried in a

Art Unit: 1653

drier at a temperature of about 65°-90°C for 2 to 10 minutes to reduce the moisture content to about 14% by weight (see col. 1, line 51- col. 2, line 12).

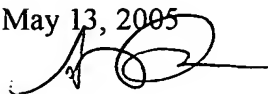
Thus Rahman et al. disclose the use of functionally equivalent salts such as sodium sulfate and ammonium sulfate that would dehydrate a collagen solution to produce a collagen casing for sausage. Rahman et al. also disclose the required moisture content for a collagen casing to be about 14% by weight prior to stuffing of sausage. One would have been motivated to soak a non-edible collagen casing as disclosed by Sanchez, J. et al. with an aqueous solution containing the functionally equivalent salts, sodium sulfate and ammonium sulfate, disclosed by Rahman et al. to maintain a collagen casing comprising the appropriate moisture content, because it would not require the consumer to pre-soak the casing prior to stuffing, thereby reducing the introduction of microbial contamination during foodstuff preparation. Therefore, it would have been obvious to the person having ordinary skill in the art to soak the non-edible collagen casing with an aqueous solution containing the salts currently claimed and then vacuum pack the casing (current application, claims 1-16).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand U. Desai, Ph.D. whose telephone number is (571) 272-0947. The examiner can normally be reached on Monday - Friday 7:00 a.m. - 3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber can be reached on (517) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 13, 2005



JON WEBER
SUPERVISORY PATENT EXAMINER